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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7422 of 2006

Mr.Pandurang S. Birje .. Petitioner
versus
Shri Bahubali Zilha Nagari .. Respondent

...

Mr.R.S. Ghadge i/b A.S. Desai for the petitioner.

Mr.Uday Warunjikar for respondent no.1.

Mr.A.P. Vanarse AGP for respondent nos.2 to 4.

CORAM : D.G.KARNIK, J

DATED : 2nd November 2007

P.C.:

1. Heard learned counsel for the parties.
2. Counsel for the petitioner states that cognate petitions being Writ Petition no.3615 of 2007 and 3622 of 2007 have been disposed of by the court on 4th July 2007 granting two months time to the petitioner therein to deposit 50% of the recoverable dues payable by the petitioner under section 154(2) of the Maharashtra Co-operative Societies Act 1960. The Counsel therefore submits that in this petition also, some time may be granted to the petitioner to

deposit the statutory amount and on such time being granted, the amount would be deposited by the petitioner.

3. The impugned order is passed on 25th July 2006. More than one year has elapsed. In the circumstances, I do not think it would be appropriate to grant further two months time as was granted in July 2007 in W.P.No.3615 of 2007. Even thereafter, the period of nearly four months has passed. However, by way of a concession, the petitioner is granted two weeks time for depositing 50% of the amount due. Petitioner through its counsel undertakes to this court to deposit 50% of the amount within two weeks. Undertaking is recorded and accepted.

4. In the circumstances, no coercive steps shall be taken against the petitioner for a period of two weeks from today. If the petitioner fails to deposit 50% of the amount within two weeks, it would be open to the respondent bank to proceed against the petitioner in accordance with law after expiry of two weeks from today.

5. In the event petitioner fails to deposit the statutory amount within two weeks as aforesaid, the appellate authority shall pass such orders as may be

necessary and respondent bank shall also be free to proceed with the recovery proceedings.

6. With these observations, Writ Petition is disposed of.

(D.G. KARNIK, J)